

Domestic Violence, Sexual Assault and Child Abuse Policy

Major League Baseball and the Major League Baseball Players Association (herein “the Parties”) desire to formulate a Domestic Violence, Sexual Assault, and Child Abuse Policy and Program for Minor League Players (as defined in the Minor League Basic Agreement) that:

- takes an absolute stand against domestic violence, sexual assault and child abuse;
- protects the legal and procedural rights of Players;
- provides assistance to victims and families, including information and referrals to available resources;
- recognizes that Players may also be the victims in intimate relationships;
- focuses on education and prevention, including training on this policy;
- utilizes the most effective methods and resources for therapeutic intervention for abusers and those abused; and
- allows for therapeutic programs for Players and for the imposition of appropriate discipline on Players.

I. Definitions.

Domestic violence is a pattern of abusive behavior in any intimate relationship that is used by one partner to gain or maintain power and control over another intimate partner. It occurs in heterosexual and same sex relationships and impacts individuals from all economic, educational, cultural, age, gender, racial, and religious demographics. Domestic violence includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal violence, stalking, economic control, harassment, physical intimidation, or injury. Notwithstanding this definition, a single incident of abusive behavior in any intimate relationship, or a single incident of abusive behavior involving a member of a Player’s family who is domiciled with him, may subject a Player to discipline under this Policy.

Sexual assault refers to a range of behaviors, including a completed nonconsensual sex act, an attempted nonconsensual sex act, and/or nonconsensual sexual contact. Lack of consent is inferred when a person uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious or legally incapable of consent.

Child abuse is any act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation of a child who is under the age of 18 or not an emancipated minor, or any act or failure to act which presents an imminent risk of such harm to such a child. “Child Abuse” also includes the production, distribution, receipt, or possession of “child pornography,” defined as any visual depiction, including any photograph, film, video, picture, or

computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct.

This Policy covers acts of child abuse, domestic violence and sexual assault (together, “Covered Act”) as defined above and applies to all Minor League Players, as defined in Article II of the Minor League Basic Agreement, except as expressly set forth herein.

II. Investigation of Incidents. The Commissioner’s Office may conduct an investigation of a Player’s alleged conduct. The procedures set forth in this Policy shall be triggered when the Commissioner’s Office provides the Players Association with written notification that it is investigating an allegation that a Player has engaged in a Covered Act (“Notification”). Unless otherwise expressly stated herein, the Minor League Basic Agreement remains in effect and its relevant provisions apply under this Policy.

A. Administrative Leave. If the Commissioner’s Office has information indicating that a Player may have engaged in a Covered Act(s), the Commissioner’s Office may place such Player on Administrative Leave for up to seven (7) days. The Commissioner’s Office may ask the Players Association to consent to a one-time extension of the initial seven-day Administrative Leave period for an additional seven (7) days (for a total of fourteen (14) days), which consent shall not be unreasonably withheld. The Commissioner’s Office also may choose to defer placing the Player on Administrative Leave.

B. Player Status on Administrative Leave. A Player on Administrative Leave shall be placed on the Minor League Administrative Leave List. While on Administrative Leave, a Player shall continue to receive the salary and any other service credit or benefits to which he otherwise would be entitled but for his placement on Administrative Leave. A Player on Administrative Leave shall be ineligible to participate in any of his Club’s games (including Spring Training games where tickets are sold). At the request of the Club and with the consent of the Commissioner’s Office, which shall not be unreasonably withheld, the Player may participate in non-public practices or workouts, or at the Club’s Spring Training facility. The Commissioner’s placement of a Player on Administrative Leave shall not be considered disciplinary under this Policy.

C. Cooperation with Investigation. Pursuant to Article XVI (Discipline and Investigations), the Commissioner’s Office may conduct an investigation of the Player’s alleged conduct. The investigation, including the rights of the Player and the Parties, is governed by the relevant provisions of the Minor League Basic Agreement. The Player and the Players Association shall cooperate with the investigation, including making the Player available for an investigatory interview and producing documents and information. Among other things, it shall be deemed a failure to cooperate for any Player (or any individual acting on the Player’s behalf) to directly or indirectly engage in conduct that is aimed at, or has the effect of, intimidating or tampering with an

alleged victim or witness, or of discouraging or preventing the cooperation of such person, during an investigation conducted pursuant to the Policy. In addition, it shall be deemed a failure to cooperate under the Policy if a Player enters into a settlement agreement or other agreement with an alleged victim or witness that, because of a confidentiality or other non-disclosure provision in that agreement, prevents that person or the Player from cooperating with an investigation, including the disclosure of documents, testimony, or other information concerning an alleged Covered Act. However, it shall not be deemed a failure to cooperate under the Policy if a victim or witness decides independently not to cooperate with a Commissioner's Office investigation.

- D. Conference.** Prior to the conclusion of the period of Administrative Leave or the imposition of discipline, the Parties shall meet to discuss the matter. The Parties' discussion shall be considered confidential and not admissible in any grievance challenging discipline that may be imposed on the Player.

III. Discipline.

- A. Commissioner Discipline.** The Commissioner may discipline a Player who commits a Covered Act for just cause. In addition, a Player's failure to comply with his Treatment Plan adopted pursuant to Section V below may be an independent violation of this Policy. A Player's failure to cooperate with an investigation as set forth in Section II.C above also shall constitute an independent violation of this Policy.
- B. Deferral of Discipline.** The Commissioner may decide to defer discipline of a Player pending resolution of a criminal or civil matter arising out of the conduct, or in order to complete its investigation. The decision of the Commissioner to defer discipline shall not be evidence in any appeal of discipline that the Commissioner may ultimately impose. For the avoidance of doubt, any time limits for challenging discipline shall be stayed if the Commissioner determines to defer disciplinary action.
- C. Club Discipline.** Initial authority to discipline Players for events that include violations of this Policy (including all aspects of the incident from which the alleged violation arose) shall repose with the Commissioner's Office. The Commissioner's Office will retain authority to discipline Players under this Policy until it provides the Players Association and the Player with notice that it is transferring such authority to the Club. Such a transfer may occur at any time before the issuance of discipline to the Player by the Commissioner's Office. If the Commissioner's Office does not transfer its authority, no Club may take any disciplinary or adverse action against a Player arising from an incident involving a Covered Act; except that, irrespective of any disciplinary action taken by the Commissioner, a Club may (i) take adverse action in response to a Player's failure to render his services due to a disability resulting directly from a physical injury or mental condition arising from his violation of the Policy and (ii) withhold salary from a Player for any period he is unavailable because of legal proceedings or incarceration arising from his violation of the Policy. For the avoidance of doubt, nothing herein shall alter or diminish in any way a Club's right to terminate a Player's Uniform Player Contract for any reason, and such termination shall not be

considered disciplinary or adverse action against the Player. See Article XVI. If the Commissioner's Office notifies a Club, the Player and the Players Association that the Commissioner's Office will not impose discipline, a Club may discipline a Player who commits a Covered Act for just cause, regardless of whether the Commissioner's Office had previously placed the Player on Administrative Leave pursuant to this Policy or conducted an investigation. A decision by the Commissioner to defer a disciplinary decision pursuant to Section III.B shall not trigger a Club's right to discipline in an absence of a notification to the Club, the Player and the Players Association that the Commissioner will not impose discipline. The fact that a Club rather than the Commissioner imposed discipline on a Player shall not be relied on by a Player in challenging whether the discipline was supported by just cause. If a Club attempts to take disciplinary action against a Player in violation of Section III.C, the Players Association may seek emergency relief from the Arbitration Panel, which may enjoin that disciplinary action if it determines that the Player has a substantial likelihood of demonstrating such a violation of Section III.C.

D. Forms of Discipline. The discipline imposed by the Commissioner or a Club may include any discipline authorized by the Minor League Basic Agreement or the Uniform Player Contract ("UPC").

E. Suspensions. Unless otherwise provided herein, all suspensions under this Policy shall be without pay, and the Player will be placed on the Restricted List during the term of any suspension. At the request of the Club and with the consent of the Commissioner's Office, which shall not be unreasonably withheld, the Player may participate in non-public practices or workouts, or at the Club's Spring Training facility.

F. Selection to 40-Man Roster. A Player suspended under this Policy is not permitted to be selected or otherwise placed on a 40-man roster before such suspension is complete. A Player who commits a Covered Act(s), but who is not disciplined for such Act(s) until after his promotion to a 40-man roster shall be treated as if the Player violated the Parties' Joint Major League Domestic Violence, Sexual Assault, and Child Abuse Policy, contained in Attachment 52 to the Major League Basic Agreement. In addition, a Player who commits a Covered Act(s) while on a 40-man roster, but who is disciplined for such Act(s) after being assigned to a Minor League affiliate (excluding Players on optional assignment) shall be treated as if the Player violated this Policy.

IV. Procedures for Challenging Discipline. The procedures for challenging disciplinary action set forth in Article XIV of the Minor League Basic Agreement shall apply except as otherwise stated herein.

A. Arbitration Panel Review. The Minor League Arbitration Panel shall have jurisdiction to review a challenge by a Player or the Players Association of any discipline imposed under the Policy pursuant to Article XIV (Grievance and Disciplinary Appeal Procedures) of the Minor League Basic Agreement. The procedures for challenging discipline set forth in the Minor League Basic Agreement apply except as otherwise stated herein. A grievance challenging discipline imposed

pursuant to this Policy shall be handled as an expedited disciplinary matter by the Minor League Arbitration Panel.

- B. Burden of Proof.** In any case involving discipline imposed under this Policy, the Commissioner's Office shall have the burden of proving that the Player committed a Covered Act. A criminal conviction for an offense involving a Covered Act or a plea of guilty, no contest or *nolo contendere*, to an offense involving a Covered Act, whether a misdemeanor or felony, shall satisfy the Commissioner's Office's burden of proving a violation. In cases involving a criminal conviction or a plea of guilty, no contest or *nolo contendere*, the disposition and factual findings may not be challenged; provided, however, that the level of discipline imposed by the Commissioner or Club may be challenged. A Player may be subjected to disciplinary action for just cause by the Commissioner for a violation of this Policy in the absence of a conviction or a plea of guilty to a crime involving a Covered Act.
- C. Just Cause.** This Policy arises in part from the increased recognition and understanding of the seriousness and harm resulting from Domestic Violence, Sexual Assault and Child Abuse. As a result, precedent and past practice regarding the discipline of Players for Covered Acts prior to the enactment of the first iteration of the Minor League Baseball Player Domestic Violence, Sexual Assault and Child Abuse Policy in 2015 are not relevant in assessing the appropriate level of discipline under this Policy. In addition, in evaluating the just cause of the level of discipline imposed under the Policy, the Minor League Arbitration Panel may consider aggravating and mitigating factors where relevant and appropriate.

V. Treatment and Intervention.

- A. Joint Policy Board.** The Joint Policy Board established in Section IV of the Major League Joint Domestic Violence, Sexual Assault and Child Abuse Policy shall also be responsible for evaluating, and where treatment is appropriate, supervising the treatment of Players who have committed or are alleged to have committed Covered Acts. It may also provide evaluation and treatment to Players who voluntarily request the Board's assistance.
- B. Referral to Joint Policy Board.** The Commissioner may require a Player who is under investigation pursuant to this Policy to be evaluated by the Joint Policy Board. The results of any evaluation, or the substance of any Treatment Plan shall not be admissible in any appeal challenging discipline imposed by the Commissioner's Office or a Club pursuant to the Policy or in any other matter.
- C. Treatment Plan.** If appropriate under the circumstances, the Joint Policy Board shall develop a Treatment Plan for the Player. A Treatment Plan must be approved by a majority of the Joint Policy Board to become effective. Among other things, the Joint Policy Board shall identify appropriate health care professionals in the Player's home city to provide counseling and intervention. The health care professionals treating the Player must provide the Joint Policy Board, at a frequency identified in the Treatment

Plan, with regular, standardized written status reports that detail the Player's progress and compliance with the Treatment Plan.

D. Treatment Plan Content. The Treatment Plan prescribed by the Joint Policy Board for the Player may include the following non-exhaustive list of prescribed and/or prohibited actions by a Player:

1. Submission to psychological and other evaluations (including but not limited to those assessing domestic violence, child abuse, sexual assault and drug and/or alcohol testing if separately directed or required under another Minor League Policy) as deemed necessary;
2. Attendance at prescribed counseling and other therapeutic sessions;
3. Participation in educational training specific to understanding the effects of abuse on victims and their families, including children, and the components of healthy relationships and healthy confrontation;
4. Compliance with relevant court orders and/or agreements between the Player and alleged victim, including but not limited to support;
5. Relocation from a shared home temporarily or indefinitely;
6. Acceptance of limits on the contact methods, frequency, and subject matter with partner/spouse/children, and designated others;
7. Relinquishment of all weapons and agreement not to secure more;
8. Compliance with any other reasonable direction designed to promote safety for the partner/spouse, children, Player, and any other person at risk; or
9. Any other relief designed to promote safety and further the objectives of this Policy.

E. Treatment Plan Non-Compliance.

1. The Commissioner may discipline a Player who commits a Covered Act (whether or not the same person was involved in the initial complaint), including a Player in a Treatment Plan under this Policy.
2. Except as provided in Section E.1 above, a majority of the Joint Policy Board will determine whether a Player has not complied with the Player's Treatment Plan. Before making its determination, the Player or the Player's representative may provide information to the Joint Policy Board in the Player's defense. The Joint Policy Board will make its determination whether a Player has failed to comply with a Treatment Plan, by applying the following criteria:

- a. A Player who refuses to submit to an evaluation, including any follow-up meetings or tests requested by the Policy Board, will be deemed to have violated the Treatment Plan.
- b. A Player who consistently fails to participate in mandatory sessions with an assigned health care professional will be deemed to have failed to comply with the Treatment Plan.
- c. Absent a compelling justification, a Player will be presumed to have failed to comply with his Treatment Plan if the assigned health care professional informs the Joint Policy Board in a status report that the Player is not cooperating with the requirements of the Treatment Plan.

F. Treatment Plan Modification. The Joint Policy Board may periodically revise a Player's Treatment Plan or extend its end date on its own initiative, or on the recommendation of the Player's assigned health care professionals.

G. Communication. The Joint Policy Board shall make available a general partner/spouse and family information and referral package when a Treatment Plan is implemented for a Player. The Player's Treatment Plan will not be shared with the partner/spouse absent agreement of the Player. With the exception of any statements or press releases made by the Office of the Commissioner pursuant to Section VII below, all information related to a Player's involvement with the Joint Policy Board shall be kept completely confidential.

VI. Return to Active Status. All returns to active status for a Player from a suspension that is upheld (or not challenged) are subject to a certification of fitness from the assigned health care professional and an agreement by the Player to adhere going forward to any Treatment Plan prescribed by the Policy Board.

VII. Confidentiality. The confidentiality of Player information is essential to the success of this Policy. To ensure that confidentiality is protected, the Parties agree to the following confidentiality provisions:

A. Definition. All information related to, arising from or considered in connection with the evaluation, counseling and treatment of a Player by the Joint Policy Board, and all information obtained by the Commissioner's Office through its investigation of an alleged Covered Act, is confidential, provided that this definition excludes information that has previously been made public or is made public by a source other than the Player, the Players Association or the Commissioner's Office.

B. Prohibition on Disclosure. The Commissioner's Office, the Players Association, the Clubs, the Joint Policy Board and any third parties who are consulted under this Policy are prohibited from disclosing confidential information that they already possess as defined above, except (i) in connection with or in anticipation of a grievance or potential grievance involving discipline or potential discipline under this Policy; (ii) to inform the Player's Club of the Player's treatment under the Policy; (iii) to inform the Player's Club where a trade involving a Player who is the subject of an active, non-

public investigation is submitted to the Commissioner's Office; (iv) where necessary to effectively administer a Player's treatment under the Policy; or (v) where disclosure is required by law, including court order, and is not subject to any claim of privilege. Club representatives who are notified of an investigation pursuant to this Section shall not disclose such information to anyone outside those with a need to know within their organization. If the Commissioner's Office or the Joint Policy Board or any of their agents receive a subpoena or other legal process seeking confidential information, the Commissioner's Office will notify the Players Association and give it an opportunity to intervene and oppose disclosure of the confidential information. Each Party is responsible for ensuring that the individuals to whom they disclose confidential information under this Policy maintain the confidentiality of the information, and each Party will be deemed responsible for any unauthorized disclosures by persons to whom they provide confidential information.

C. Public Disclosure of Discipline. The Commissioner's Office may issue a statement announcing (i) the discipline of a Player under this Policy, including the length of any suspension, (ii) that a Player has been placed on administrative leave pending an investigation under the Policy, or (iii) that the Commissioner's Office has stayed its investigation of an alleged incident under this Policy pending resolution of a criminal matter. The Commissioner's Office will not otherwise make announcements related to Covered Acts or alleged Covered Acts under this Policy. Notwithstanding the foregoing, if a Player, the Players Association or the Player's representative makes statements challenging the discipline or denying the alleged conduct, the Commissioner's Office may make a statement in response to such comments. The Player's Club may issue a public statement in response to the announcement of a Player's discipline under this Policy, provided that a draft of the statement is sent to the Players Association at least sixty (60) minutes prior to its issuance, and the Club considers in good faith any comments provided by the Players Association. If allegations related to a Player's alleged violation of the Policy become public through a source other than the Commissioner's Office, a Club or their respective agents, the Commissioner's Office may issue a public statement that it is conducting an investigation of the allegations, and the Players Association may issue a public statement that it is monitoring the situation. Neither party shall disclose any confidential information.

D. Enforcement. Either the Commissioner's Office or the Players Association may file a grievance under Article XIV (Grievance and Disciplinary Appeal Procedures) of the Minor League Basic Agreement if the other Party violates the Confidentiality provisions of this Policy. The Minor League Arbitration Panel shall have jurisdiction to adjudicate any such grievance. The Party bringing the grievance has the burden of proof with respect to establishing the violation. Media reports that do not identify a source of confidential information do not establish a violation of the Confidentiality provisions of this Policy without additional evidence.

VIII. Training, Education and Community Outreach.

The Office of the Commissioner's Domestic Violence, Sexual Assault and Child Abuse Prevention and Response Team ("DVPRT") shall determine appropriate education and training programs for Players and their families. All aspects of the training and education program, including the frequency and content of training and the selection of the training staff, shall be determined by the DVPRT. All training and education shall be presented in English and Spanish.

IX. Resources for Players and Their Families.

- A. Confidential Assistance Program.** The Commissioner's Office shall offer support services to Players, Player's families, and victims on a confidential basis, including through the Minor League Family Support Program. With the exception of general usage statistics, the Commissioner's Office shall not be provided with any confidential information regarding usage of the service by Players, victims, or Player's families.

- B. Family Resources.** The Commissioner's Office shall develop a plan for the publication of referral information, websites, and resources (including hotlines, shelters and outreach facilities) for spouses, partners and families of Players.